

82^d CONGRESS
1ST SESSION

S. 1820

IN THE SENATE OF THE UNITED STATES

JULY 9 (legislative day, JUNE 27), 1951

Mr. JOHNSTON of South Carolina introduced the following bill; which was read twice and referred to the Committee on Post Office and Civil Service

A BILL

To promote the rescue of civilian employees of the Federal Government who are lost in the performance of their official duties, to continue salary payments of such employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That for the purposes of this Act—

4 (a) The term “person” means civilian officers and em-
5 ployees of the executive departments, independent establish-
6 ments and agencies (including Government corporations)
7 during such time as they are on active Federal service,
8 exclusive of part-time or intermittent employees or native
9 labor hired on an hourly or per diem basis;

1 (b) The term "department" means any executive de-
2 partment, independent establishment, or agency (including
3 corporations) in the executive branch of the Federal
4 Government;

5 (c) The term "pay and allowances" when used in this
6 Act includes all continuing pay and allowances, but does
7 not include temporary allowances such as per diem for
8 travel expenses.

9 SEC. 2. Any person who is lost in the performance of
10 his official duties and officially determined to be absent in a
11 status of missing shall, for the period he is officially in such
12 status, be entitled to receive or have credited to his account
13 the same pay and allowances to which he was entitled at
14 the beginning of such period of absence or may become
15 entitled to thereafter, and such a right to pay and allowances
16 shall terminate on the date of receipt by the department
17 concerned of evidence that the employee is dead or upon
18 the date of death prescribed or determined under the pro-
19 visions of section 4 of this Act: *Provided*, That such a right
20 to pay and allowances shall not terminate upon expiration
21 of term of service during absence and in case of death during
22 absence shall not terminate earlier than the dates herein
23 prescribed: *Provided further*, That there shall be no such
24 right to pay and allowances for any period during which
25 such employee may be officially deemed absent from his post

1 of duty without authority and he shall be indebted to the
2 Government for any payments from amounts credited to his
3 account for such period.

4 SEC. 3. When, in the opinion of the head of the depart-
5 ment concerned, circumstances are such as to justify such
6 action in the interest of the person entitled to the receipt of,
7 or entitled to be credited with, pay and allowances under
8 section 2 of this Act, the head of such department is author-
9 ized to pay all such pay and allowances, in the following
10 order of precedence:

11 First, to the dependent or dependents designated by
12 the person in writing to receive all unpaid compensation
13 due him at the time of his death filed with the Govern-
14 ment agency in which the person was employed at the
15 time he was lost or determined to be missing, and
16 received by such agency prior to the time the person was
17 lost or determined to be missing;

18 Second, if there be no such designation to the per-
19 son's spouse;

20 Third, if there be no such designated dependent or
21 dependents or spouse, to the child or children of such
22 person, and descendants of deceased children by repre-
23 sentation; and

24 Fourth, if there be none of the above, to the parents
25 of such person, or the survivor of them.

1 SEC. 4. When a thirty-day period from date of com-
2 mencement of absence has elapsed and no official report of
3 death has been received, the head of the department con-
4 cerned shall make a finding of death and direct the dis-
5 continuance of the employee's missing status, unless the
6 employee may reasonably be presumed to be alive, in which
7 case the head of the department may direct the continuance
8 of the employee's "missing status". Under no circumstances
9 shall such status extend beyond ninety days. Such a
10 finding of death shall include the date upon which death
11 shall be presumed to have occurred for the purpose of
12 termination of crediting pay and allowances and settlements
13 of accounts and such date shall be the date following the
14 day of expiration of the thirty-day period, or in cases in
15 which the missing status shall have been continued as here-
16 inbefore authorized, a day to be determined by the head of
17 the department concerned.

18 SEC. 5. The determination of the head of the depart-
19 ment concerned shall be conclusive as to whether information
20 received concerning any employee is to be construed and
21 acted upon as an official report of death. When any infor-
22 mation deemed to establish conclusively the death of any
23 employee is received by a department, action shall be taken
24 thereon as an official report of death, notwithstanding any
25 prior action relating to death or other status of such per-

1 son. Payment or settlement of an account made pursuant to
2 a report or finding of death shall not be recovered or re-
3 opened by reason of a subsequent report or determination
4 which fixes a date of death except that an account shall be
5 reopened and settled upon the basis of any date of death so
6 fixed which is later than that used as a basis for prior settle-
7 ment: *Provided*, That where the account of an employee has
8 been charged or debited with amounts paid pursuant to
9 this Act, any amount so charged or debited shall be re-
10 credited to such person's account in any case where it has
11 been determined by the head of the department concerned
12 or such subordinate as he may designate that payment of
13 such amount was induced by fraud or misrepresentation to
14 which such employee was not a party. When circumstances
15 warrant reconsideration of any determination authorized
16 to be made by this Act, the head of the department may
17 change or modify a previous determination. Any amount
18 paid from pay of any person for the period of the person's
19 right under the provisions of section 2 of this Act to receive
20 such pay or allowances shall not be subject to collection from
21 the allottee or charged against the account of the deceased
22 employee as overpayments when payment thereof has been
23 occasioned by delay in receipt of evidence of death. The
24 head of the department may waive the recovery of erroneous
25 payments to dependents when recovery is determined to be

1 against equity and good conscience. In the settlement of
2 the accounts of any certifying or disbursing officer, credit
3 shall be allowed for any erroneous payment or overpayment
4 made in carrying out the provisions of this Act in the absence
5 of fraud, or criminality on the part of such officer, or if the
6 payment was based on official records and he did not know
7 and by reasonable diligence and inquiry could not have
8 ascertained the actual facts, no recovery shall be made there-
9 from.

10 SEC. 6. Whoever shall obtain or receive any money,
11 check, or allotment under this Act, without being entitled
12 thereto, with intent to defraud and whoever shall knowingly
13 aid or abet such person shall be punished by a fine of not
14 more than \$2,000 or by imprisonment for not more than
15 one year, or both.

16 SEC. 7. The head of a department is authorized to incur
17 expenses, by contract, or otherwise, without regard to the
18 provisions of section 3709 of the Revised Statutes, as
19 amended, in connection with the search for civilian em-
20 ployees of the Federal Government lost in the performance
21 of their official duties; and to pay rewards not to exceed
22 \$1,000 in the aggregate in any one instance for information
23 leading to the finding of any civilian employee of the Federal
24 Government, whether or not alive, lost while in the per-
25 formance of his official duties: *Provided*, That no such com-

1 pensation or reward shall be paid to any employee of the
2 Federal Government, of any State or local government, or to
3 any member of the military service of any State or the
4 Federal Government officially assigned to such search and
5 rescue.

6 SEC. 8. The head of the department concerned may
7 from time to time make such provisions as he shall deem
8 appropriate authorizing the performance by any other officer,
9 or by any agency or employee, of his department of any
10 function assigned to him by the provisions of this Act.

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